

Senate Bill 138

By: Senators Miller of the 49th, Dugan of the 30th, Hill of the 32nd, Kennedy of the 18th, Jackson of the 24th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so
2 as to provide for various reforms regarding the state's child welfare system pursuant to a
3 comprehensive review by the Governor's Child Welfare Reform Council; to provide that the
4 director of the Division of Family and Children Services of the Department of Human
5 Services is appointed by the Governor; to establish the DFCS State Advisory Board; to
6 provide requirements for members appointed to county boards of family and children
7 services; to clarify the primary purpose of county departments of family and children
8 services; to establish DFCS Regional Advisory Boards; to revise definitions; to provide for
9 casework services; to revise provisions regarding foster children; to provide for the sharing
10 of data relating to the care and protection of children between agencies; to provide for
11 legislative findings; to provide for the establishment of an interagency data protocol; to
12 provide for interagency agreements; to provide a manner to address legal impediments that
13 are identified; to provide for statutory construction; to provide for contact with a school
14 regarding reports of suspected child abuse; to provide for access to a child's medical and
15 educational records by a foster parent; to repeal certain provisions deemed unconstitutional
16 regarding a central child abuse registry; to enact new provisions to provide for the
17 establishment of a central child abuse registry; to provide for definitions; to provide for the
18 reporting of convictions and substantiated cases of child abuse to the Division of Family and
19 Children Services; to provide for entry of reported convictions and substantiated cases into
20 the registry; to provide for a hearing to contest inclusion of a name in the registry; to limit
21 access to information in the registry; to provide for confidentiality; to provide for immunity;
22 to amend Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
23 relating to dependency proceedings, so as to revise provisions relating to DFCS case plans;
24 to provide that a temporary absence shall not be considered a placement change; to revise
25 provisions relating to permanency planning reports and hearings; to amend Code Section
26 50-5-69 of the Official Code of Georgia Annotated, relating to purchases without competitive
27 bidding, so as to provide for certain contracts regarding children in state care or custody; to

28 repeal a provision relating to the Council for Welfare Administration; to provide for related
29 matters; to repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

32 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
33 in Chapter 2, relating to the Department of Human Services, by adding new Code sections
34 to read as follows:

35 "49-2-18.

36 (a) The Governor shall appoint the director of the Division of Family and Children
37 Services of the department who shall serve at the pleasure of the Governor. The director
38 shall be an employee of the department but shall report directly to the Governor.

39 (b) The director shall have a college degree and at least one of the following qualifications:

40 (1) Educational background or managerial experience involving work with vulnerable
41 populations;

42 (2) Work experience in a setting dealing with the safety or well-being of children or
43 other vulnerable populations; or

44 (3) Experience working in or managing a complex, multidisciplinary business or
45 government agency.

46 49-2-19.

47 (a) There is established the DFCS State Advisory Board which shall consist of 20
48 members appointed by the Governor as follows:

49 (1) One representative from each of the 15 DFCS regions; and

50 (2) Five members who are either state legislators or representatives from the fields of:

51 (A) Child welfare;

52 (B) Former youth in foster care;

53 (C) Public health or behavioral health and developmental disabilities;

54 (D) Private child welfare care provider; or

55 (E) Juvenile justice.

56 (b) The advisory board shall review and make recommendations to the director of the
57 Division of Family and Children Services of the department regarding issues relating to the
58 protection of children and the welfare and public assistance functions of the division. Such
59 review and recommendations shall include, but not be limited to, the following:

60 (1) Examination of current law, rules and regulations, and policy and recommendations
61 to improve the ability of the division to increase the safety of children, respond to child

62 maltreatment, and ensure the well-being of and timely permanency for children who are
 63 referred to and involved in the child welfare system;
 64 (2) Propose legislative or administrative changes to policies and programs that are
 65 integral to the protection of children and the welfare and public assistance functions of
 66 the division;
 67 (3) Examination of caseload assignments and ratios of child protective services workers
 68 and recommendations for reasonable expectations for such workers and supervision and
 69 support needed to perform their jobs; and
 70 (4) Recommendations on improved collaboration among state, local, community, and
 71 public and private stakeholders in child welfare programs and services that are
 72 administered by the division.
 73 (c) The advisory board shall elect a chairperson from among its membership. The
 74 advisory board may elect such other officers and establish committees as it considers
 75 appropriate.
 76 (d) The advisory board shall meet at least quarterly and at such additional times as it shall
 77 determine necessary to perform its duties. The advisory board shall also meet on the call
 78 of the chairperson, the director of the Division of Family and Children Services of the
 79 department, or the Governor. The director of the Division of Family and Children Services
 80 of the department shall participate in such meetings and provide a quarterly report to the
 81 advisory board in advance of each quarterly meeting.
 82 (e) Members shall serve without compensation, although each member of the advisory
 83 board shall be reimbursed for actual expenses incurred in the performance of his or her
 84 duties from funds available to the advisory board; provided, however, that any legislative
 85 member shall receive the allowances authorized by law for legislative members of interim
 86 legislative committees and any members who are state employees shall be reimbursed for
 87 expenses incurred by them in the same manner as they are reimbursed for expenses in their
 88 capacities as state employees."

89 **SECTION 2.**

90 Said title is further amended by revising Code Section 49-3-2, relating to the appointment
 91 of members to the county department of family and children services, as follows:

92 "49-3-2.

93 (a) Each county board shall consist of between five and seven members who shall be
 94 appointed by the governing authority of the county. No person serving as a member of a
 95 county board on July 1, ~~1994~~ 2015, shall have such person's term of office shortened by
 96 this subsection. On and after that date, however, vacancies in such office which occur for
 97 any reason, including but not limited to expiration of the term of office, shall be filled by

98 appointment of the county governing authority except as provided in subsection (c) of this
99 Code section. No elected officer of the state or any subdivision thereof shall be eligible for
100 appointment to the county board. In making appointments to the county board of family
101 and children services, the governing authority shall ensure that appointments are reflective
102 of gender, race, ethnic, and age characteristics of the county population. Further, the
103 governing authority shall ensure that all appointments made on or after July 1, 2015, are
104 made from the following categories:

- 105 (1) Pediatric health care providers;
- 106 (2) Appropriate school personnel;
- 107 (3) Emergency responders;
- 108 (4) Law enforcement personnel;
- 109 (5) Private child welfare service providers;
- 110 (6) Alumni of the child welfare system;
- 111 (7) Mental health care providers;
- 112 (8) Former foster parents; and
- 113 (9) Leaders within the faith-based community.

114 (b) The term of office of members of the county board shall be for five years and until the
115 appointment and qualification of their respective successors, ~~except that upon the~~
116 ~~expiration of the terms of the members of the county board in office on July 1, 1994, one~~
117 ~~member shall be appointed for a one-year term, one member for a two-year term, one~~
118 ~~member for a three-year term, one member for a four-year term, and one member for a~~
119 ~~five-year term.~~

120 (c) Appointments to fill vacancies on the county board caused by death, resignation, or
121 removal before the expiration of a term shall be made for the remainder of such term in the
122 same manner as provided in this Code section for original appointments. In the event that
123 the governing authority of the county shall fail to fill any such vacancy or any vacancy
124 caused by expiration of term on the county board within 90 days after such vacancy occurs,
125 the commissioner may appoint members to the county board to fill such vacancies.

126 ~~(d) In addition to the five members required by subsection (a) of this Code section, the~~
127 ~~county governing authority is authorized but not required to appoint two additional~~
128 ~~members. One such additional member shall be a school counselor employed in the county~~
129 ~~and one such additional member shall be a law enforcement officer of the county who is~~
130 ~~responsible for investigating reports of child abuse. Members appointed pursuant to this~~
131 ~~subsection shall be appointed for terms of five years and shall be paid the per diem~~
132 ~~authorized in subsection (e) of this Code section. Appointments to fill vacancies created~~
133 ~~by the death, resignation, or removal before the end of the term of a member appointed~~

134 ~~pursuant to this subsection shall be made in accordance with subsection (c) of this Code~~
 135 ~~section.~~

136 ~~(c)(d)~~ Members of the county board shall serve without compensation, except that they
 137 shall be paid a per diem of not less than \$15.00 per month and shall be reimbursed for
 138 traveling and other expenses actually incurred in the performance of their official duties;
 139 provided, however, that the gross expenses assessed against a county shall not exceed the
 140 amount of the budget of the county previously set aside and levied by the county authorities
 141 for such expenses.

142 ~~(f) In addition to the five members otherwise provided for in this Code section, the board~~
 143 ~~of family and children services in any county of this state having a population of 550,000~~
 144 ~~or more according to the United States decennial census of 1970 or any future such census~~
 145 ~~shall include an additional two members who shall be subject to this Code section in the~~
 146 ~~same manner as the five members otherwise provided for in this Code section. Each~~
 147 ~~member provided for in this subsection shall be appointed for a term of five years and until~~
 148 ~~the appointment and qualification of the member's successor, except that in the initial~~
 149 ~~appointment of the two additional members one member shall be appointed for a four-year~~
 150 ~~term and one member for a five-year term, and these initial members shall serve until the~~
 151 ~~appointment and qualification of their successors.~~

152 (e) The role of the county board shall be to protect the well-being of this state's children
 153 while preserving family integrity. County boards may review the administration of all
 154 welfare and public assistance functions for the county, including such programs as
 155 temporary assistance for needy families (TANF), supplemental nutrition assistance
 156 program (SNAP), employment services, child protective services, foster care, and
 157 adoptions, and shall report no less than annually and not later than December 15 of each
 158 year to the director of the Division of Family and Children Services of the department the
 159 effectiveness of the county department's provision of services, the needs of the community,
 160 and its recommendations for improved operations of the county department. County
 161 boards shall serve as an active liaison and a link between the county department and the
 162 local community. County boards shall support the overall mission of the Division of
 163 Family and Children Services of the department."

164 **SECTION 3.**

165 Said title is further amended by revising Code Section 49-3-6, relating to the functions of
 166 county or district departments of family and children services, as follows:

167 "49-3-6.

168 (a) The primary purpose of county departments shall be to protect children. To achieve
 169 this primary purpose, the county departments shall, in accordance with rules and
 170 regulations of the Division of Family and Children Services of the department:

171 (1) Investigate reports of abuse and neglect;

172 (2) Assess, promote, and support the safety of a child in a safe and stable family or other
 173 appropriate placement in response to allegations of abuse or neglect;

174 (3) Work cooperatively with law enforcement regarding reports that include criminal
 175 conduct allegations; and

176 (4) Without compromising child safety, coordinate services to achieve and maintain
 177 permanency on behalf of the child, strengthen the family, and provide prevention,
 178 intervention, and treatment services pursuant to this title.

179 (b) In addition to the purpose in subsection (a) of this Code section, and subject Subject
 180 to the rules and regulations of the Board of Human Services, the county department shall
 181 be charged with the administration of all forms of public assistance in the county, including
 182 home relief; indoor and outdoor care for those in need; temporary assistance for needy
 183 families; old-age assistance; aid to the blind and otherwise disabled; the care and treatment
 184 of dependent; ~~and neglected, delinquent, and disabled~~ children; and such other welfare
 185 activities as shall be delegated to it by the ~~Department of Human Services~~ Division of
 186 Family and Children Services of the department or by the county commissioners. The
 187 county department shall also investigate and pass upon all applications for admission to and
 188 discharge from county institutions which provide care and treatment for indigents. If so
 189 appointed by a court of competent jurisdiction, the ~~Department of Human Services~~ or the
 190 county or district department of family and children services shall perform under the
 191 supervision of such court the function of probation officer or agent of the court in any
 192 welfare or penal matters which may be before it."

193 **SECTION 4.**

194 Said title is further amended in Chapter 3, relating to family and children services, by adding
 195 a new Code section to read as follows:

196 "49-3-9.

197 There is established in each region a DFCS Regional Advisory Board. Each regional
 198 advisory board shall be composed of at least five members and shall include the director
 199 and at least one board member of each county department of family and children services
 200 within the region as selected by the DFCS regional director. The DFCS regional director
 201 may appoint additional members who are representatives from the categories included in
 202 paragraphs (1) through (9) of subsection (a) of Code Section 49-3-2. The purpose of the

203 regional advisory boards shall be to improve communication and coordination between the
 204 county departments of family and children services of the counties within the region, to
 205 improve and streamline service delivery by the county departments, and to provide for the
 206 consistent application of state policy of the Division of Family and Children Services of
 207 the department within the county departments within each DFCS region. Each regional
 208 advisory board shall meet at least quarterly."

209 **SECTION 5.**

210 Said title is further amended by revising Code Section 49-5-3, relating to definitions relative
 211 to children and youth services, as follows:

212 "49-5-3.

213 As used in this article, the term:

214 (1) 'Age or developmentally appropriate' means activities or items that are generally
 215 accepted as suitable for children of the same chronological age or level of maturity or that
 216 are determined to be developmentally-appropriate for a child, based on the development
 217 of cognitive, emotional, physical, and behavioral capacities that are typical for an age or
 218 age group. In the case of a specific child, such term also includes activities or items that
 219 are suitable for the child based on the developmental stages attained by the child with
 220 respect to the cognitive, emotional, physical, and behavioral capacities of the child.

221 (2) 'Caregiver' means a foster parent with whom a child in foster care has been placed or
 222 a designated official for a child care institution in which a child in foster care has been
 223 placed.

224 ~~(1)~~(3) 'Child-caring institution' means any institution, society, agency, or facility,
 225 whether incorporated or not, which either primarily or incidentally provides full-time care
 226 for children through 18 years of age outside of their own homes, subject to such
 227 exceptions as may be provided in rules and regulations of the board.

228 ~~(2)~~(4) 'Child-placing agency' means any institution, society, agency, or facility, whether
 229 incorporated or not, which places children in foster homes for temporary care or for
 230 adoption.

231 ~~(3)~~(5) 'Child welfare and youth services' means duties and functions authorized or
 232 required by this article to be provided by the department with respect to:

- 233 (A) Establishment and enforcement of standards for social services and facilities for
 234 children and youths which supplement or substitute for parental care and supervision
 235 for the purpose of preventing or remedying or assisting in the solution of problems
 236 which may result in neglect, abuse, exploitation, or delinquency of children and youths;
 237 (B) Protecting and caring for dependent children and youths;
 238 (C) Protecting and promoting the welfare of children of working mothers;

- 239 (D) Providing social services to children and youths and their parents and care for
 240 children and youths born out of wedlock and their mothers;
- 241 (E) Promotion of coordination and cooperation among organizations, agencies, and
 242 citizen groups in community planning, organization, development, and implementation
 243 of such services; and
- 244 (F) Otherwise protecting and promoting the welfare of children and youths, including
 245 the strengthening of their homes where possible or, where needed, the provision of
 246 adequate care of children and youths away from their homes in foster family homes or
 247 day-care or other child care facilities.
- 248 ~~(4)~~(6) 'Children's transition care center' means a transition center which provides a
 249 temporary, home-like environment for medically fragile children, technology dependent
 250 children, and children with special health care needs, up to 21 years of age, who are
 251 deemed clinically stable by a physician but dependent on life-sustaining medications,
 252 treatments, and equipment and who require assistance with activities of daily living to
 253 facilitate transitions from a hospital or other facility to a home or other appropriate
 254 setting. Such centers are designated sites that provide child placing services and nursing
 255 care, clinical support services, and therapies for short-term stays of one to 14 days and
 256 for longer stays of up to 90 days to facilitate transitions of children to homes or other
 257 appropriate settings. Extended stays of up to 12 months may be approved by the
 258 department by waiver.
- 259 ~~(5)~~(7) 'Dependent child or youth' means any person so adjudged under Chapter 11 of
 260 Title 15.
- 261 ~~(6)~~ Reserved:
- 262 ~~(7)~~ Reserved:
- 263 ~~(8)~~ Reserved:
- 264 ~~(9)~~(8) 'Group-care facility' means a place providing care for groups of children and
 265 youths, other than a foster family home.
- 266 ~~(9.1)~~ Reserved:
- 267 ~~(10)~~(9) 'Homemaker service' means a service provided by a woman selected for her skills
 268 in the care of children and home management and placed in a home to help maintain and
 269 preserve the family life during the absence or incapacity of the mother.
- 270 ~~(11)~~(10) 'In loco parentis' means a quasi-parental relationship inferred from and implied
 271 by the fact that a child or youth has been taken into a family and treated like any other
 272 member thereof, unless an express contract exists to the contrary.
- 273 ~~(12)~~(11) 'Legal custody' means a legal status created by court order embodying the
 274 following rights and responsibilities:
- 275 (A) The right to have the physical possession of the child;

- 276 (B) The right and the duty to protect, train, and discipline the child;
- 277 (C) The responsibility to provide the child with food, clothing, shelter, education, and
- 278 ordinary medical care; and
- 279 (D) The right to determine where and with whom the child shall live,
- 280 provided that these rights and responsibilities shall be exercised subject to the powers,
- 281 rights, duties, and responsibilities of the guardian of the person of the child and subject
- 282 to any residual parental rights and responsibilities. These rights shall be subject to
- 283 judicial oversight and review pursuant to Code Section 15-11-212.
- 284 ~~(13)~~(12) 'Maintenance' means all general expenses for care such as board; shelter;
- 285 clothing; medical, dental, and hospital care; transportation; and other necessary or
- 286 incidental expenses.
- 287 ~~(14)~~(13) 'Maternity home' means any place in which any person, society, agency,
- 288 corporation, or facility receives, treats, or cares for, within any six-month period, more
- 289 than one pregnant woman whose child is to be born out of wedlock, either before, during,
- 290 or within two weeks after childbirth. This definition shall not include women who
- 291 receive maternity care in the home of a relative or in general or special hospitals, licensed
- 292 according to law, in which maternity treatment and care is part of the medical services
- 293 performed and the care of children is only brief and incidental.
- 294 ~~(15)~~(14) 'Probation' means a legal status created by court order following adjudication
- 295 in a delinquency case, whereby a child or youth is permitted to remain in the community,
- 296 subject to supervision by the court or an agency designated by the court and subject to
- 297 being returned to court at any time during the period of probation.
- 298 ~~(16)~~(15) 'Protective supervision' means a legal status created by court order following
- 299 adjudication in a dependency case, whereby a child's place of abode is not changed but
- 300 assistance directed at correcting the dependency is provided through the court or an
- 301 agency designated by the court.
- 302 (16) 'Reasonable and prudent parent standard' means the standard characterized by
- 303 careful and sensible parental decisions that maintain the health, safety, and best interests
- 304 of a child while at the same time encouraging the emotional and developmental growth
- 305 of the child, that a caregiver shall use when determining whether to allow a child in foster
- 306 care under the responsibility of the department to participate in extracurricular,
- 307 enrichment, cultural, and social activities.
- 308 (17) 'Shelter' or 'shelter care' means temporary care in a nonsecurity or open type of
- 309 facility."

310

SECTION 6.

311 Said title is further amended by revising subsection (a) of Code Section 49-5-8, relating to
312 the powers and duties of the Department of Human Services, as follows:

313 "(a) The Department of Human Services is authorized and empowered, through its own
314 programs and the programs of county or district departments of family and children
315 services, to establish, maintain, extend, and improve throughout the state, within the limits
316 of funds appropriated therefor, programs that will provide:

317 (1) Preventive services as follows:

318 (A) Collecting and disseminating information about the problems of children and
319 youths and providing consultative assistance to groups, public and private, interested
320 in developing programs and services for the prevention, control, and treatment of
321 dependency and delinquency among the children of this state; and

322 (B) Research and demonstration projects designed to add to the store of information
323 about the social and emotional problems of children and youths and improve the
324 methods for dealing with these problems;

325 (2) Child welfare services as follows:

326 (A) Casework services for children and youths and for mothers bearing children out
327 of wedlock, whether living in their own homes or elsewhere, to help overcome
328 problems that result in dependency or delinquency;

329 (B) Protective services that will investigate complaints of abuse or abandonment of
330 children and youths by parents, guardians, custodians, or persons serving in loco
331 parentis and, on the basis of the findings of such investigation, offer social services to
332 such parents, guardians, custodians, or persons serving in loco parentis in relation to the
333 problem or bring the situation to the attention of a law enforcement agency, an
334 appropriate court, or another community agency;

335 (C) Supervising and providing required services and care involved in the interstate
336 placement of children;

337 (D) Homemaker service, or payment of the cost of such service, when needed due to
338 the absence or incapacity of the mother;

339 (E) Boarding care, or payment of maintenance costs, in foster family homes or in
340 group-care facilities for children and youths who cannot be adequately cared for in their
341 own homes;

342 (F) Boarding care or payment of maintenance costs for mothers bearing children out
343 of wedlock prior to, during, and for a reasonable period after childbirth; ~~and~~

344 (G) Day-care services for the care and protection of children whose parents are absent
345 from the home or unable for other reasons to provide parental supervision; and

346 (H) Casework services and care to all children and youths where the parent, custodian,
347 or guardian has placed such children in the custody of the department by voluntary
348 agreement, until such agreement is revoked by the parent, custodian, or guardian upon
349 request that such children be returned to the parent, custodian, or guardian or to another
350 relative or the voluntary agreement expires; provided, however, that nothing in this
351 subparagraph shall prohibit the department from obtaining an order placing such
352 children in its custody in accordance with Article 3 of Chapter 11 of Title 15;

353 (3) Services to courts, upon their request, as follows:

354 (A) Accepting for casework services and care all children and youths whose legal
355 custody is vested in the department by the court;

356 (B) Providing shelter or custodial care for children prior to examination and study or
357 pending court hearing;

358 (C) Making social studies and reports to the court with respect to children and youths
359 as to whom petitions have been filed; and

360 (D) Providing casework services and care or payment of maintenance costs for children
361 and youths who have run away from their home communities within this state, or from
362 their home communities in this state to another state, or from their home communities
363 in another state to this state; paying the costs of returning such runaway children and
364 youths to their home communities; and providing such services, care, or costs for
365 runaway children and youths as may be required under Chapter 4B of Title 49;

366 (4) Regional group-care facilities for the purpose of:

367 (A) Providing local authorities an alternative to placing any child in a common jail;

368 (B) Shelter care prior to examination and study or pending a hearing before juvenile
369 court;

370 (C) Detention prior to examination and study or pending a hearing before juvenile
371 court; and

372 (D) Study and diagnosis pending determination of treatment or a hearing before
373 juvenile court;

374 (5) Facilities designed to afford specialized and diversified programs, such as forestry
375 camps, ranches, and group residences, for the care, treatment, and training of children and
376 youths of different ages and different emotional, mental, and physical conditions;

377 (6) Regulation of child-placing agencies, child-caring institutions, and maternity homes
378 by:

379 (A) Establishing rules and regulations for and providing consultation on such rules and
380 regulations for all such agencies, institutions, and homes; and

381 (B) Licensing and inspecting periodically all such agencies, institutions, and homes to
382 ensure their adherence to established standards as prescribed by the department;

- 383 (7) Adoption services, as follows:
- 384 (A) Supervising the work of all child-placing agencies when funds are made available;
- 385 (B) Providing services to parents desiring to surrender children for adoption as
- 386 provided for in adoption statutes;
- 387 (C) Providing care or payment of maintenance costs for mothers bearing children out
- 388 of wedlock and children being considered for adoption;
- 389 (D) Inquiring into the character and reputation of persons making application for the
- 390 adoption of children;
- 391 (E) Placing children for adoption;
- 392 (F) Providing financial assistance to families adopting children once the child has been
- 393 placed for adoption, determined eligible for assistance, and the adoption assistance
- 394 agreement has been signed prior to the finalization of the adoption by all parties.
- 395 Financial assistance may only be granted for hard-to-place children with physical,
- 396 mental, or emotional disabilities or with other problems for whom it is difficult to find
- 397 a permanent home. Financial assistance may not exceed 100 percent of the amount that
- 398 would have been paid for boarding such child in a family foster home and for special
- 399 services such as medical care not available through insurance or public facilities. Such
- 400 supplements shall only be available to families who could not provide for the child
- 401 adequately without continued financial assistance. The department may review the
- 402 supplements paid at any time but shall review them at least annually to determine the
- 403 need for continued assistance;
- 404 (G) Providing payment to a licensed child-placing agency which places a child with
- 405 special needs who is under the jurisdiction of the department for adoption. Payment
- 406 may not exceed \$5,000.00 for each such adoption arranged by an agency. The board
- 407 shall define the special needs child. One-half of such payment shall be made at the time
- 408 of placement and the remaining amount shall be paid when the adoption is finalized.
- 409 If the adoption disrupts prior to finalization, the state shall be reimbursed by the
- 410 child-placing agency in an amount calculated on a prorated basis based on length of
- 411 time the child was in the home and the services provided; and
- 412 (H) Providing payment to an agency which recruits, educates, or trains potential
- 413 adoptive or foster parents for preparation in anticipation of adopting or fostering a
- 414 special needs child. The board shall define the special needs child and set the payment
- 415 amount by rule and regulation. Upon appropriate documentation of these preplacement
- 416 services in a timely manner, payments as set by the board shall be made upon
- 417 enrollment of each potential adoptive or foster parent for such services;
- 418 (8) Staff development and recruitment programs through in-service training and
- 419 educational scholarships for personnel as may be necessary to assure efficient and

420 effective administration of the services and care for children and youths authorized in this
421 article. The department is authorized to disburse state funds to match federal funds in
422 order to provide qualified employees with graduate or postgraduate educational
423 scholarships in accordance with rules and regulations adopted by the board pursuant to
424 Article VIII, Section VII, Paragraph I of the Constitution of Georgia; ~~and~~
425 (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical,
426 or dental services or payment of the costs of such services as may be considered
427 appropriate and necessary by competent medical authority to those children subject to the
428 supervision and control of the department without securing prior consent of parents or
429 legal guardians;

430 (10) Preparation, education, and training for foster parents which will provide them with
431 the appropriate knowledge and skills to provide for the needs of foster children, including
432 knowledge and skills relating to the reasonable and prudent parent standard for the
433 participation of the child in age or developmentally appropriate activities, and continue
434 such preparation, as necessary, after the placement of the children; and

435 (11) Each youth who is leaving foster care by reason of having attained 18 years of age,
436 unless the child has been in foster care for less than six months, with, if the child is
437 eligible to receive such document, an official or certified copy of the United States birth
438 certificate of the child, a social security card issued by the Commissioner of Social
439 Security, health insurance information, a copy of the child's medical records, and a
440 driver's license or identification card issued by a state in accordance with the
441 requirements of Section 202 of the REAL ID Act of 2005. Provision of records in
442 accordance with this paragraph shall not be considered a violation of subsection (b) of
443 Code Section 49-5-40."

444 **SECTION 7.**

445 Said title is further amended in Chapter 5, relating to programs and protection for children
446 and youth, by adding a new Code section to read as follows:

447 "49-5-12.2.

448 Any caregiver or other entity under contract with the department shall be immune from
449 civil liability as a result of a caregiver's approval of the participation of a child, who is in
450 the custody of the department, in an age or developmentally appropriate activity, so long
451 as such caregiver or other entity under contract with the department acts in accordance with
452 the reasonable and prudent parent standard. No provision in any agreement between the
453 department and a caregiver or an entity under contract with the department shall diminish
454 the standard of care provided in this Code section."

455

SECTION 8.

456 Said title is further amended by revising Code Section 49-5-19, relating to an annual report
457 on children and youth services, as follows:

458 "49-5-19.

459 The commissioner shall prepare and publish in print or electronically an annual report on
460 the operations of the department and of county departments of family and children services
461 under this article and submit it to the Governor, the board, and all interested persons,
462 officials, agencies, and groups, public or private. The report shall contain, in addition to
463 information, statistics, and data required by other provisions of this article, a
464 comprehensive analysis of performance of child welfare and youth services throughout the
465 state; an analysis of goals to ~~reduce by 1 percent each year, beginning with the fiscal year~~
466 ~~that starts October 1, 1983, the number of children who have been in family or institutional~~
467 ensure that no more than 25 percent of children remain in the foster care system under Title
468 IV-E of the Social Security Act for a period of 24 months or longer, as provided by Public
469 Law 96-272; and such other information and recommendations of the commissioner as may
470 be suitable."

471

SECTION 9.

472 Said title is further amended in Chapter 5, relating to programs and protection for children
473 and youth, by adding a new Code section to read as follows:

474 "49-5-24.

475 (a)(1) In an effort to improve the availability and quality of programs and services for
476 the protection of children and youth, the General Assembly supports interagency efforts
477 to gather comprehensive data and to actively share and disseminate data among those
478 agencies responsible for making informed decisions regarding the treatment, care,
479 security, and protection of children within this state.

480 (2) The General Assembly finds that the sharing and integration of appropriate data and
481 information may have numerous benefits for children and families in this state, as well
482 as for the state and local agencies attempting to provide services for them.

483 (3) The General Assembly finds that such data sharing and integration can serve the best
484 interests of the child and the family, contribute to higher levels of effectiveness in service
485 delivery, provide greater efficiency and productivity, and assist in the protection of
486 children. Specifically, such data sharing and integration can reduce redundant data entry,
487 expedite data sharing between agencies, provide for more timely service delivery, ensure
488 more accurate and up-to-date information, assist in the development of a seamless system
489 of services, and contribute to better performance and greater accountability by all
490 involved parties.

491 (4) The General Assembly finds that the goals and purposes of this chapter, including the
492 goal to develop a seamless system of services for children and their families, would be
493 furthered by the development of a central repository of data for planning and evaluation
494 purposes and urges the agencies to work toward the development of such a central
495 repository.

496 (b) The department, working with the following agencies, shall develop and implement
497 a workable state-wide system for sharing data relating to the care and protection of children
498 between such agencies, utilizing existing state-wide data bases and data delivery systems
499 to the greatest extent possible, to streamline access to such data:

500 (1) Division of Family and Children Services of the department;

501 (2) Department of Early Care and Learning;

502 (3) Department of Community Health;

503 (4) Department of Public Health;

504 (5) Department of Behavioral Health and Developmental Disabilities;

505 (6) Department of Juvenile Justice;

506 (7) Department of Education; and

507 (8) Georgia Crime Information Center.

508 (c) The department, working with such agencies, shall establish an interagency data
509 protocol to enable each agency to accurately and efficiently collect and share data with the
510 other agencies in the most effective and expeditious manner. The interagency data protocol
511 shall:

512 (1) Include protocols and procedures to be used by agencies in data processing, including
513 but not limited to collecting, storing, manipulating, sharing, retrieving, and releasing data;

514 (2) Delineate the specific data to be shared among all or specified agencies, the person
515 or persons authorized by each agency to have access to another agency's data, and the
516 security arrangements between agencies to ensure the protection of the data from
517 unauthorized access that may threaten the privacy of persons and the confidentiality of
518 the data;

519 (3) Establish the circumstances under which and the reasons for which an agency may
520 share information with another agency, with a local political subdivision, with a
521 nongovernmental entity, or with an individual; and

522 (4) Ensure compliance with all state and federal laws and regulations concerning the
523 privacy of information, including but not limited to the federal Family Educational Rights
524 and Privacy Act of 1974, 20 U.S.C. Section 1232g, and the federal Health Insurance
525 Portability and Accountability Act of 1996, 42 U.S.C. Section 1320d to 1320d-9.

526 (d) To further delineate the parameters for the sharing of data with one or more agencies,
527 specific interagency agreements may be executed between or among agencies.

528 (e) If a federal law or regulation impedes necessary data sharing between agencies, the
 529 appropriate agency or agencies shall make all reasonable attempts to be granted a waiver
 530 or exemption from the applicable law or regulation.

531 (f) The Department of Human Services and any of the agencies in subsection (b) of this
 532 Code section may apprise chairpersons of the appropriate committees of the General
 533 Assembly of the need for any legislative action necessary to facilitate or improve data
 534 sharing between agencies for the purposes of this Code section.

535 (g)(1) Notwithstanding any provision to the contrary, nothing in this Code section shall
 536 be construed to nullify any memoranda of understanding existing as of June 30, 2015, or
 537 prohibit the creation of memoranda of understanding on and after July 1, 2015, between
 538 or among agencies concerning data sharing or any other data sharing practices.

539 (2) Notwithstanding any provision to the contrary, nothing in this Code section shall
 540 prohibit the release to or sharing of data with nongovernmental entities or individuals if
 541 the release or sharing is otherwise required, permitted, or allowed pursuant to state or
 542 federal law."

543 **SECTION 10.**

544 Said title is further amended by revising subsections (c) and (d) of Code Section 49-5-41,
 545 relating to persons and agencies permitted access to records, as follows:

546 "(c) The department or a county or other state or local agency may permit access to records
 547 concerning reports of child abuse and may release information from such records to the
 548 following persons or agencies when deemed appropriate by such department:

549 (1) A physician who has before him or her a child whom he or she reasonably suspects
 550 may be abused;

551 (2) A licensed child-placing agency, a licensed child-caring institution of this state which
 552 is assisting the ~~Department of Human Services~~ department by locating or providing foster
 553 or adoptive homes for children in the custody of the department, or an investigator
 554 appointed by a court of competent jurisdiction of this state to investigate a pending
 555 petition for adoption;

556 (3) A person legally authorized to place a child in protective custody when such person
 557 has before him or her a child he or she reasonably suspects may be abused and such
 558 person requires the information in the record or report in order to determine whether to
 559 place the child in protective custody;

560 (4) An agency or person having the legal custody, responsibility, or authorization to care
 561 for, treat, or supervise the child who is the subject of a report or record;

562 (5) An agency, facility, or person having responsibility or authorization to assist in
 563 making a judicial determination for the child who is the subject of the report or record of

564 child abuse, including but not limited to members of officially recognized citizen review
565 panels, court appointed guardians ad litem, certified Court Appointed Special Advocate
566 (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates
567 for the best interest of a child in a juvenile proceeding, and members of a protocol
568 committee, as such term is defined in Code Section 19-15-1;

569 (6) A legally mandated public child protective agency or law enforcement agency of
570 another state bound by similar confidentiality provisions and requirements when, during
571 or following the department's investigation of a report of child abuse, the alleged abuser
572 has left this state;

573 (7) A child welfare agency, as defined in Code Section 49-5-12, or a school where the
574 department has investigated allegations of child abuse made against any employee of
575 such agency or school and any child remains at risk from exposure to that employee,
576 except that such access or release shall protect the identity of:

577 (A) Any person reporting the child abuse; and
578 (B) Any other person whose life or safety has been determined by the department or
579 agency likely to be endangered if the identity were not so protected;

580 (8) An employee of a school or employee of a child welfare agency, as defined in Code
581 Section 49-5-12, against whom allegations of child abuse have been made, when the
582 department has been unable to determine the extent of the employee's involvement in
583 alleged child abuse against any child in the care of that school or agency. In those
584 instances, upon receiving a request and signed release from the employee, the department
585 may report its findings to the employer, except that such access or release shall protect
586 the identity of:

587 (A) Any person reporting the child abuse; and
588 (B) Any other person whose life or safety has been determined by the department or
589 agency likely to be endangered if the identity were not so protected;

590 (9) Any person who has an ongoing relationship with the child named in the record or
591 report of child abuse any part of which is to be disclosed to such person but only if that
592 person is required to report suspected abuse of that child pursuant to subsection (b) of
593 Code Section 19-7-5, as that subsection existed on January 1, 1990;

594 (10) Any school principal or any school guidance counselor, school social worker, or
595 school psychologist who is certified under Chapter 2 of Title 20 and who is counseling
596 a student as a part of such counseling person's school employment duties, but those
597 records shall remain confidential and information obtained therefrom by that counseling
598 person may not be disclosed to any person, except that student, not authorized under this
599 Code section to obtain those records, and such unauthorized disclosure shall be
600 punishable as a misdemeanor;

601 (10.1) Any school official of a school that a child who was the subject of a report of
602 suspected child abuse made pursuant to Code Section 19-7-5 attends in which there is an
603 ongoing investigation of the reported abuse. Any such ongoing investigation shall
604 include contact with such school to obtain any relevant information from school
605 personnel regarding the report of suspected child abuse;

606 (11) The Department of Early Care and Learning or the Department of Education; or

607 (12) An individual, at the time such individual is leaving foster care by reason of having
608 attained the age of majority, but such access shall be limited to providing such individual
609 with a free copy of his or her health and education records, including the most recent
610 information available.

611 (d) Notwithstanding any other provision of law, any child-caring agency, child-placing
612 agency, or identified foster parent shall have reasonable access to nonidentifying
613 information from the placement or child protective services record compiled by any state
614 department or agency having custody of a child with respect to any child who has been
615 placed in the care or custody of such agency or foster parent or for whom foster care is
616 being sought, excluding all documents obtained from outside sources which cannot be
617 redisclosed under state or federal law. A department or agency shall respond to a request
618 for access to a child's record within 14 days of receipt of such written request. Any
619 child-caring agency, child-placing agency, or identified foster parent who is granted access
620 to a child's record shall be subject to the penalties imposed by Code Section 49-5-44 for
621 unauthorized access to or use of such records. Such record shall include reports of abuse
622 of such child and the social history of the child and the child's family, the medical history
623 of such child, including psychological or psychiatric evaluations, or educational records
624 as allowed by state or federal law and any plan of care or placement plan developed by the
625 department, provided that no identifying information is disclosed regarding such child.
626 Notwithstanding the provisions of this subsection, a foster parent, as an agent of the
627 department, shall have access to a child's medical and educational records in the same
628 manner and to the same extent as the department itself and to the fullest extent allowable
629 by law to ensure the proper care and education of a child entrusted to the foster parent's
630 care."

631 **SECTION 11.**

632 Said title is further amended in Chapter 5 by repealing Article 8, relating to the central child
633 abuse registry, and enacting a new article to read as follows:

634

"ARTICLE 8635 49-5-180.636 As used in this article, the term:637 (1) 'Abuse investigator' means the division, any county or district department of family
638 and children services, or any designee thereof.639 (2) 'Alleged child abuser' means a person named in an abuse investigator's report as
640 having committed a substantiated case.641 (3) 'Child' means any person under 18 years of age.642 (4) 'Child abuse' has the same meaning as in paragraph (4) of subsection (b) of Code
643 Section 19-7-5.644 (5) 'Child abuse crime' means:645 (A) A violation of Article 1 or Article 2 of Chapter 5 of Title 16 or subsections (b) or
646 (c) of Code Section 16-5-70, in which physical injury or death is inflicted on a minor
647 child by a parent or caretaker thereof by other than accidental means;648 (B) A violation of Code Section 16-12-1 regarding a minor child by a parent or
649 caretaker thereof;650 (C) A violation of Chapter 6 of Title 16 in which the victim is a minor;651 (D) A violation of Part 2 of Article 3 of Chapter 12 of Title 16; or652 (E) Any other crime that, in the discretion of the prosecuting attorney, constitutes child
653 abuse.654 (6) 'Child abuse registry' means the Child Protective Services Information System.655 (7) 'Convicted' means a finding or verdict of guilty or a plea of guilty regardless of
656 whether an appeal of the conviction has been sought. Such term also includes having
657 been arrested, charged, and sentenced for the commission of a child abuse crime for
658 which:659 (A) A plea of nolo contendere was entered to the charge; or660 (B) First offender treatment without adjudication of guilt pursuant to the charge was
661 granted. The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title
662 42, relating to probation of first offenders, or other first offender treatment shall be
663 conclusive evidence of arrest and sentencing for such crime.664 (8) 'Convicted child abuser' means a person who is convicted.665 (9) 'Division' means the Division of Family and Children Services of the department.666 (10) 'Out-of-state abuse investigator' means a public child protective agency or law
667 enforcement agency of any other state bound by confidentiality requirements as to
668 information obtained under this article which are similar to those provided in this article.

669 (11) 'Sexual abuse' has the same meaning as in paragraph (10) of subsection (b) of Code
670 Section 19-7-5.

671 (12) 'Sexual exploitation' has the same meaning as in paragraph (11) of subsection (b)
672 of Code Section 19-7-5.

673 (13) 'Substantiated case' means an investigation of a child abuse report by an abuse
674 investigator which has been confirmed based upon a preponderance of the evidence that
675 child abuse has occurred.

676 49-5-181.

677 (a) The division shall establish and maintain a central child abuse registry which shall be
678 known as the 'Child Protective Services Information System.' The child abuse registry
679 shall receive notice regarding:

680 (1) Substantiated cases occurring on and after July 1, 2016, reported to the division
681 pursuant to subsection (a) of Code Section 49-5-182; and

682 (2) Convicted child abusers on and after July 1, 2016, reported to the division pursuant
683 to subsection (b) of Code Section 49-5-182.

684 (b) The child abuse registry shall be operated in such a manner as to enable abuse
685 investigators to:

686 (1) Immediately identify and locate substantiated cases and convicted child abusers; and

687 (2) Maintain and produce aggregate statistical data of substantiated cases and cases of
688 child abuse in which a person was convicted.

689 49-5-182.

690 (a) An abuse investigator who completes the investigation of a child abuse report made
691 pursuant to Code Section 19-7-5 or otherwise and determines that it is a substantiated case
692 if the alleged child abuser was at least 13 years of age at the time of the commission of the
693 act shall notify the division within 30 business days following such determination. Such
694 notice may be submitted electronically and shall include the following:

695 (1) Name, age, sex, race, social security number, if known, and birthdate of the child
696 alleged to have been abused;

697 (2) Name, age, sex, race, social security number, and birthdate of the parents, custodian,
698 or caretaker of the child alleged to have been abused, if known;

699 (3) Name, age, sex, race, social security number, and birthdate of the person who
700 committed the substantiated case; and

701 (4) A summary of the known details of the child abuse which at a minimum shall contain
702 the classification of the abuse as provided in paragraph (4) of subsection (b) of Code

703 Section 19-7-5 as either sexual abuse, physical abuse, child neglect, or a combination
704 thereof.

705 (b) Upon receipt of a sentence for a convicted child abuser, the prosecuting attorney shall
706 notify the division within 30 business days following such receipt. Such notice may be
707 submitted electronically and shall include the following:

708 (1) A certified copy of the sentence;

709 (2) A complete history of the conviction, including a certified copy of the indictment,
710 accusation, or both and such other information as the division may require;

711 (3) Name, age, sex, race, social security number, and birthdate of the victim of child
712 abuse by the convicted child abuser, if known; and

713 (4) Name, age, sex, race, social security number, and birthdate of the parents, custodian,
714 or caretaker of the victim of child abuse by the convicted child abuser, if known.

715 49-5-183.

716 (a) Upon receipt of an investigator's report of a substantiated case pursuant to subsection
717 (a) of Code Section 49-5-182 naming an alleged child abuser, the division:

718 (1) Shall include in the child abuse registry the name of the alleged child abuser, the
719 classification of the abuse as provided in paragraph (4) of subsection (a) of Code Section
720 49-5-182, and a copy of the investigator's report; and

721 (2) Shall mail to such alleged child abuser in such report a notice regarding the
722 substantiated case via certified mail, return receipt requested. It shall be a rebuttable
723 presumption that any such notice has been received if the return receipt has been received
724 by the division. The notice shall further inform such alleged child abuser of such person's
725 right to a hearing to appeal such determination. The notice shall further inform such
726 alleged child abuser of the procedures for obtaining the hearing and that an opportunity
727 shall be afforded all parties to be represented by legal counsel and to respond and present
728 evidence on all issues involved.

729 (b) Any alleged child abuser who has not attained the age of majority set forth by Code
730 Section 39-1-1 at the time of the hearing requested pursuant to subsection (d) of this Code
731 section shall be entitled to representation at the hearing either by the alleged child abuser's
732 parent or other legal guardian or by an attorney employed by such parent or guardian. In
733 the event the administrative law judge conducting the hearing determines that any such
734 alleged minor child abuser will not be so represented at the hearing, or that the interests of
735 any such alleged minor child abuser may conflict with the interests of the alleged minor
736 child abuser's parent or other legal guardian, the administrative law judge shall order the
737 division to apply to the superior court of the county in which the alleged act of child abuse

738 was committed to have counsel appointed for the alleged minor child abuser. Payment for
739 any such court appointed representation shall be made by such county.

740 (c) In order to exercise such right to a hearing, the alleged child abuser must file a written
741 request for a hearing with the division within ten days after receipt of such notice. The
742 written request shall contain the alleged child abuser's current residence address and, if the
743 person has a telephone, a telephone number at which such person may be notified of the
744 hearing.

745 (d) If the division receives a timely written request for a hearing under subsection (c) of
746 this Code section, it shall transmit that request to the Office of State Administrative
747 Hearings within ten days after such receipt. Notwithstanding any other provision of law,
748 the Office of State Administrative Hearings shall conduct a hearing upon that request in
749 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and
750 the rules of the Office of State Administrative Hearings adopted pursuant thereto, except
751 as otherwise provided in this article. The hearing shall be for the purpose of an
752 administrative determination regarding whether, based on a preponderance of evidence,
753 there was child abuse committed by the alleged child abuser to justify the investigator's
754 determination of a substantiated case. The Office of State Administrative Hearings shall
755 give notice of the time and place of the hearing to the alleged child abuser by first-class
756 mail to the address specified in the written request for a hearing and to the division by
757 first-class mail at least ten days prior to the date of the hearing. It shall be a rebuttable
758 presumption that any such notice is received five days after deposit in the United States
759 mail with the correct address of the alleged child abuser and the division, respectively, and
760 proper postage affixed. Unless postponed by mutual consent of the parties and the
761 administrative law judge or for good cause shown, that hearing shall be held within 30
762 business days following receipt by the Office of State Administrative Hearings of the
763 request for a hearing, and a decision shall be rendered within five business days following
764 such hearing. A motion for an expedited hearing may be filed in accordance with rules and
765 regulations promulgated by the Office of State Administrative Hearings. The hearing may
766 be continued as necessary to allow the appointment of counsel. A telephone hearing may
767 be conducted concerning this matter in accordance with standards prescribed in paragraph
768 (5) of Code Section 50-13-15. Upon the request of any party to the proceeding or the
769 assigned administrative law judge, venue may be transferred to any location within the
770 state if all parties and the administrative law judge consent to such a change of venue.
771 Otherwise, the hearing shall be conducted in the county in which the alleged act of child
772 abuse was committed. The doctrines of collateral estoppel and res judicata as applied in
773 judicial proceedings are applicable to the administrative hearings held pursuant to this
774 article.

775 (e) At the conclusion of the hearing under subsection (d) of this Code section, upon a
776 finding that there is not a preponderance of evidence to conclude that the alleged child
777 abuser committed an act of child abuse, the administrative law judge shall order that the
778 alleged child abuser's name be removed from the child abuse registry. The general public
779 shall be excluded from hearings of the Office of State Administrative Hearings held
780 pursuant to this article and the files and records relating thereto shall be confidential and
781 not subject to public inspection.

782 (f) Notwithstanding any other provision of law, the decision of the administrative law
783 judge under subsection (e) of this Code section shall constitute the final administrative
784 decision. Any party shall have the right of judicial review of such decision in accordance
785 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the
786 petition for review shall be filed within ten days after such decision and may only be filed
787 with and the decision appealed to the superior court of the county where the hearing took
788 place or, if the hearing was conducted by telephone, the Superior Court of Fulton County.
789 The procedures for such appeal shall be substantially the same as those for judicial review
790 of contested cases under Code Section 50-13-19 except that the filing of a petition for
791 judicial review stays the listing of the petitioner's name upon the child abuse registry and
792 the superior court shall conduct the review and render its decision thereon within 30 days
793 following the filing of the petition. The review and records thereof shall be closed to the
794 public and not subject to public inspection.

795 (g) The administrative law judge shall transmit to the division his or her decision regarding
796 the alleged child abuser and the investigator's report regarding such individual within ten
797 days following that decision unless a petition for judicial review of that decision is filed
798 within the permitted time period. If a timely petition for judicial review is filed within the
799 permitted time period, the superior court shall transmit to the division its decision regarding
800 the alleged child abuser and the investigator's report regarding such individual within ten
801 days following that decision.

802 49-5-184.

803 (a) Upon receipt of a notice from a prosecuting attorney pursuant to subsection (b) of Code
804 Section 49-5-182, the division shall include in the child abuse registry the name of the
805 convicted child abuser, the offense for which he or she was convicted, and whether the
806 offense is considered physical abuse, neglect or exploitation, sexual abuse, or sexual
807 exploitation.

808 (b) Any person whose name appears in the child abuse registry as a convicted child abuser
809 shall be entitled to a hearing for an administrative determination of whether or not
810 expungement of such person's name should be ordered. In order to exercise such right, the

811 person must file a written request for a hearing with the division. The provisions of this
812 subsection shall not apply to persons who have waived their hearing after receipt of notice.
813 (c) Upon receipt by the division of a written request for a hearing pursuant to
814 subsection (b) of this Code section, the division shall transmit such request to the Office
815 of State Administrative Hearings within ten days of receipt. The Office of State
816 Administrative Hearings shall conduct a hearing in accordance with Chapter 13 of Title 50,
817 the 'Georgia Administrative Procedure Act,' except as otherwise provided in this Code
818 section. A hearing shall be conducted within 60 days following receipt of the request by
819 the Office of State Administrative Hearings. Upon a finding that there is no credible
820 evidence that the person who requested the hearing is a convicted child abuser, the Office
821 of State Administrative Hearings shall order the division to expunge that name from the
822 registry. The general public shall be excluded from such hearings and the files and records
823 relating thereto shall be confidential and not subject to public inspection.
824 (d) Notwithstanding any other provision of law, the decision of the Office of State
825 Administrative Hearings pursuant to subsection (c) of this Code section shall constitute the
826 final agency decision. Any party shall have the right of judicial review of that decision in
827 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except
828 that the petition for review shall be filed within 30 days after such decision and may only
829 be filed with and the decision appealed to the superior court of the county where the
830 hearing took place or, if the hearing was conducted by telephone, the Superior Court of
831 Fulton County. The procedures for such appeal shall be the same as those for judicial
832 review of contested cases under Code Section 50-13-19. The review and records thereof
833 shall be closed to the public and not subject to public inspection.

834 49-5-185.

835 (a) Except as otherwise authorized in subsection (c) of this Code section and subsection (b)
836 of Code Section 49-5-186, the only persons or entities who may access or be provided any
837 information from the child abuse registry are:

838 (1) An abuse investigator who has investigated or is investigating a case of possible child
839 abuse who shall only be provided information relating to that case for purposes of using
840 that information in such investigation;

841 (2) State or other government agencies of this state or any other state which license
842 entities that have interactions with children or are responsible for providing care for
843 children or licensed entities in this state which interact with children or are responsible
844 for providing care for children which shall only be provided information for purposes of
845 licensing or employment of a specific individual;

846 (3) A licensing entity may disclose information from the child abuse registry in a written
847 notice to an applicant or licensed entity whose license is denied or revoked as a result of
848 information found in the registry, to the extent that such information is required in such
849 notice by a federal or state law, regulation or policy, or in a proceeding arising from an
850 adverse action taken against a licensed entity or individual as a result of information
851 found in the registry; and

852 (4) The Department of Early Care and Learning is authorized to disclose all or a portion
853 of the information from the child abuse registry used to determine that a records check
854 is unsatisfactory or to rescind a determination that a records check is satisfactory to an
855 individual who has submitted a records check application or whose satisfactory records
856 check determination has been rescinded in accordance with Article 2 of Chapter 1A of
857 Title 20.

858 (b) The division shall provide the Governor's office, the General Assembly, district
859 attorneys, and law enforcement agencies with a statistical analysis of substantiated cases
860 of child abuse and convicted child abusers entered into the child abuse registry at the end
861 of each calendar year. This analysis shall not include the names of any children, parents,
862 or persons associated with the child abuse. This analysis shall not be protected by any laws
863 prohibiting the dissemination of confidential information.

864 (c) A person may make a written request to the division to find out whether such person's
865 name is included in the child abuse registry. Upon presentation of a passport, military
866 identification card, driver's license, or identification card authorized under Code Sections
867 40-5-100 through 40-5-104, the office receiving such request shall disclose to such person
868 whether his or her name is included in the child abuse registry and, if so, the date upon
869 which his or her name was listed in the registry and the substantiated case or child abuse
870 crime for which such person was convicted.

871 (d) The division shall provide persons and entities authorized in subsection (a) of this Code
872 section with access to or information from the child abuse registry sufficient to meet the
873 requirements prescribed by Congress as conditions to federal funding for programs
874 administered by such entities or persons.

875 49-5-186.

876 (a) Information in the child abuse registry shall be confidential and shall not be subject to
877 Article 4 of Chapter 18 of Title 50 and access thereto is prohibited except as provided in
878 this article. Such information shall not be deemed to be a record of child abuse for
879 purposes of Article 2 of this chapter.

880 (b)(1) Information obtained from the child abuse registry shall not be made a part of any
881 record which is open to the public except as provided in paragraph (2) of this subsection;

882 provided, however, that a district attorney may use such information in any court
 883 proceeding in the course of any criminal prosecution, if such information is otherwise
 884 admissible.

885 (2) Notwithstanding any other provisions of law, information in the child abuse registry
 886 applicable to a child who at the time of his or her death was in the custody of a state
 887 department or agency or foster parent, which information relates to the child while in the
 888 custody of such state department or agency or foster parent, shall not be confidential and
 889 shall be subject to Article 4 of Chapter 18 of Title 50.

890 (c) Any person who knowingly provides any information from the child abuse registry to
 891 a person not authorized to be provided such information under this article shall be guilty
 892 of a misdemeanor.

893 (d) Any person who knowingly and under false pretense obtains or attempts to obtain
 894 information which was obtained from the child abuse registry, except as authorized in this
 895 article, shall be guilty of a misdemeanor.

896 49-5-187.

897 The division and other authorized agencies, entities, and persons and the employees thereof
 898 providing information from the child abuse registry as authorized by this article and any
 899 person who uses such information shall have no civil liability or criminal responsibility
 900 therefor."

901 **SECTION 12.**

902 Said title is further amended by repealing and reserving Code Section 49-2-16, relating to the
 903 Council for Welfare Administration.

904 **SECTION 13.**

905 Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
 906 dependency proceedings, is amended in Code Section 15-11-201, relating to DFCS case
 907 plans and contents, by revising paragraphs (14) and (15) of subsection (b) as follows:

908 "(14) A recommendation for a permanency plan for such child. If, after considering
 909 reunification, adoptive placement, ~~or permanent guardianship, or placement with a fit and~~
 910 willing relative, DFCS recommends placement in another planned permanent living
 911 arrangement for a child who has attained the age of 16, the case plan shall include:

912 (A) Documentation ~~documentation~~ of a compelling reason or reasons why
 913 reunification, termination of parental rights and adoption, ~~adoptive placement, or~~
 914 permanent guardianship, or placement with a fit and willing relative are not in the
 915 child's best interests;

916 (B) Documentation of the intensive, ongoing, and unsuccessful efforts made by the
917 state agency to return the child home or secure a placement for the child with a fit and
918 willing relative, a legal guardian, or an adoptive parent, including through efforts that
919 utilize search technology, including social media, to find biological family members for
920 the child; and

921 (C) Documentation of the steps the state agency is taking to ensure that the child's
922 foster family home or child care institution is following the reasonable and prudent
923 parent standard, as defined in Code Section 49-5-3, and documentation that the child
924 has regular, ongoing opportunities to engage in age or developmentally appropriate
925 activities, as defined in Code Section 49-5-3, including by consulting with the child in
926 an age-appropriate manner about the opportunities of the child to participate in the
927 activities.

928 For purposes of this paragraph, a 'compelling reason' shall have the same meaning as in
929 paragraph (2) of subsection (b) of Code Section 15-11-233;

930 (15)(A) A statement that the parent, guardian, or legal custodian of such child and the
931 child have had an opportunity to participate in the development of the case plan, to
932 review the case plan, to sign the case plan, and to receive a copy of the plan, or an
933 explanation about why such persons were not able to participate or sign the case plan;

934 (B) The case plan for each child in foster care who has attained the age of 14 years old
935 shall be developed and revised in consultation with the child and, at the option of the
936 child, up to two members of the case planning team who are chosen by the child and
937 who are not a foster parent of, or caseworker for, the child. DFCS may reject an
938 individual selected by a child to be a member of the case planning team at any time if
939 DFCS has good cause to believe that the individual would not act in the best interests
940 of the child. One such member may be designated to be the child's advisor and, as
941 necessary, advocate, with respect to the application of the reasonable and prudent
942 parent standard to the child.

943 (C) The case plan for each child in foster care who has attained the age of 14 years old
944 shall include:

945 (i) A document describing the rights of the child with respect to education, health,
946 visitation, and court participation, the right to be provided with a consumer report
947 pursuant to 42 U.S.C. Section 675(5)(I), and the right to stay safe and avoid
948 exploitation; and

949 (ii) A signed acknowledgment by the child that the child has been provided with a
950 copy of the document described in division (i) of this subparagraph and that the rights
951 contained in the document have been explained to the child in an age-appropriate
952 way;"

953

SECTION 14.

954 Said article is further amended in Code Section 15-11-211, relating to relative search by
955 DFCS, by revising subsection (c) as follows:

956 "(c) All adult relatives of the alleged dependent child identified in a diligent search
957 required by this Code section and all parents of a sibling of such child, when such parent
958 has legal custody of such sibling, subject to exceptions due to family or domestic violence,
959 shall be provided with notice:

960 (1) Specifying that an alleged dependent child has been or is being removed from his or
961 her parental custody;

962 (2) Explaining the options a relative has to participate in the care and placement of the
963 alleged dependent child and any options that may be lost by failing to respond to the
964 notice;

965 (3) Describing the process for becoming an approved foster family home and the
966 additional services and supports available for children placed in approved foster homes;
967 and

968 (4) Describing any financial assistance for which a relative may be eligible."

969

SECTION 15.

970 Said article is further amended in Code Section 15-11-215, relating to notice of change in
971 placement hearings, by adding a new subsection to read as follows:

972 "(g) A placement change shall not include a temporary absence from the child's identified
973 and ongoing foster care placement, including, but not limited to, visitation with a friend,
974 sibling, relative, or other caretaker, including a pre-placement visit to a possible foster or
975 adoptive placement; hospitalization for medical, acute psychiatric episodes or diagnosis;
976 respite care when the child is expected to return to his or her foster care placement; day or
977 overnight camp; temporary travel with the foster family or child care institution personnel,
978 church, school, or other persons or groups approved by DFCS; trial home visits with the
979 court's permission, if required by subsection (b) of Code Section 15-11-212; and runaway
980 episodes."

981

SECTION 16.

982 Said article is further amended in Code Section 15-11-231 of the Official Code of Georgia
983 Annotated, relating to permanency planning report, by revising subparagraph (D) of
984 paragraph (8) and adding a new paragraph to read as follows:

985 "(D) In the case in which DFCS has documented a compelling reason that none of the
986 foregoing options would be in the best interests of the child who has attained the age

987 of 16 years old, whether, and if applicable, when such child shall be placed in another
 988 planned permanent living arrangement;”
 989 “(8.1) The documentation listed in paragraph (14) of subsection (b) of Code Section
 990 15-11-201;”

991 **SECTION 17.**

992 Said article is further amended in Code Section 15-11-232, relating to permanency planning
 993 hearings and findings, by revising subsections (a) and (c) as follows:

994 “(a) At the permanency plan hearing, the court shall make written findings of fact that
 995 include the following:

- 996 (1) Whether DFCS has made reasonable efforts to finalize the permanency plan which
 997 is in effect at the time of the hearing;
- 998 (2) The continuing necessity for and the safety and appropriateness of the placement;
- 999 (3) Compliance with the permanency plan by DFCS, parties, and any other service
 1000 providers;
- 1001 (4) Efforts to involve appropriate service providers in addition to DFCS staff in planning
 1002 to meet the special needs of a child adjudicated as a dependent child and his or her parent,
 1003 guardian, or legal custodian;
- 1004 (5) Efforts to eliminate the causes for the placement of a child adjudicated as a dependent
 1005 child outside of his or her home and toward returning such child safely to his or her home
 1006 or obtaining a permanent placement for such child;
- 1007 (6) The date by which it is likely that a child adjudicated as a dependent child will be
 1008 returned to his or her home, placed for adoption, or placed with a permanent guardian or
 1009 in some other alternative permanent placement;
- 1010 (7) Whether, in the case of a child adjudicated as a dependent child placed out of state,
 1011 the out-of-state placement continues to be appropriate and in the best interests of such
 1012 child; ~~and~~
- 1013 (8) In the case of a child adjudicated as a dependent child who is 14 years of age or
 1014 older, the services needed to assist such child to make a transition from foster care to
 1015 independent living;
- 1016 (9) In the case of a child for whom another planned permanent living arrangement is the
 1017 permanency plan:
- 1018 (A) Whether DFCS has documented intensive, ongoing, and, as of the date of the
 1019 hearing, unsuccessful efforts to return the child to the home or to secure a placement
 1020 for the child with a fit and willing relative, a legal guardian, or an adoptive parent,
 1021 including through efforts that utilize search technology, including social media, to find
 1022 biological family members for the children;

1023 (B) Whether DFCS has documented the steps it is taking to ensure that the child's
 1024 foster family home or child care institution is following the reasonable and prudent
 1025 parent standard and the child has regular, ongoing opportunities to engage in age or
 1026 developmentally appropriate activities, including by consulting with the child in an
 1027 age-appropriate manner about the opportunities of the child to participate in the
 1028 activities; and

1029 (C) After asking the child, what his or her desired permanency outcome is; and

1030 (10) If a child has attained the age of 14 years old, whether the permanency plan
 1031 developed for the child, and any revision or addition to the plan, was developed in
 1032 consultation with the child and, at the option of the child, with not more than two
 1033 members of the permanency planning team who were selected by the child and who are
 1034 not a foster parent of or caseworker for the child in accordance with subparagraph (A) of
 1035 paragraph (15) of Code Section 15-11-201."

1036 "(c) If the court finds, as of the date of the hearing, that another planned permanent living
 1037 arrangement is in the best interests of a child who has attained the age of 16 years old, the
 1038 court shall make findings of fact explaining such determination and, in its order, provide
 1039 compelling reasons why it is not or continues to that there is a compelling reason that it
 1040 would not be in a child's best interests to be returned to his or her parent, referred for
 1041 termination of parental rights and adoption, or placed with a permanent guardian, or placed
 1042 with a fit and willing relative then the court's order shall document the compelling reason
 1043 and provide that such child should be placed in another planned permanent living
 1044 arrangement as defined in the court's order."

1045 **SECTION 18.**

1046 Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to purchases
 1047 without competitive bidding, is amended by adding a new subsection to read as follows:

1048 "(f) The Division of Family and Children Services of the Department of Human Services
 1049 may enter into contracts for the purchase of or may purchase placements for children in the
 1050 care or custody of the Division of Family and Children Services of the Department of
 1051 Human Services without competitive bidding pursuant to the oversight and authority of the
 1052 director of the Division of Family and Children Services of the Department of Human
 1053 Services."

1054 **SECTION 19.**

1055 All laws and parts of laws in conflict with this Act are repealed.